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By the Coalition for Equality, uniting 19 organizations and individuals, 13 associate members.

130 Session

Human Rights Committee

Review of the third periodic report of Kyrgyzstan

## ALTERNATIVE REPORT

«**Discrimination in Kyrgyzstan and methods of counteraction**» to form a list of issues for consideration of the third periodic report of Kyrgyzstan.

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## Summary

The Kyrgyz Republic submitted its third periodic report on February 25, 2020, being a state party to the International Covenant on Civil and Political Rights. In its 2014 concluding observations (CCPR/C/KGZ/CO/2, para. 8), the Committee expressed concern about the lack of comprehensive anti-discrimination legislation. As part of the third cycle of the universal periodic review, Kyrgyzstan received numerous recommendations for the early adoption of anti-discrimination legislation.

In turn, the alternative report contains information on the need for anti-discrimination legislation in Kyrgyzstan. The information is presented on individual articles of the International Covenant on Civil and Political Rights. The report was prepared by the Coalition for Equality, which unites 19 organizations and individuals, and 13 associate members. The Coalition for Equality is an informal organization whose mission is to unite civil society to promote the principles of equality and non-discrimination.

Data for the report was provided by the following organizations and initiatives:

1. PA "Kyrgyz Indigo" is an LGBT + organization that supports LGBT + people. Activities are aimed at improving the life of LGBT + people in Kyrgyzstan and Central Asia, strengthening psychological health, developing capacity and protecting rights;
2. PF School of Peacemaking and Media Technology in Central Asia, a non-profit, media development organisation, promoting freedom of expression, diversity and countering hate speech";
3. PA "Tais Plus" is engaged in HIV prevention and protection of human rights of sex workers;
4. PA "Labrys" - provides direct support to LGBT people, is engaged in human rights protection and advocacy for the interests of LGBT people, develops partnerships and initiatives in Kyrgyzstan and Central Asia;
5. Movement 8\365 - formed in 2019 on the basis of feminist and intersectional agendas in order to jointly conduct the annual Solidarity March for the International Women's Day on March 8;
6. Human Rights Movement "Bir Duino - Kyrgyzstan," the purpose of which is to protect human rights with a close attention to the freedom of association, and advocacy of the political space for the human rights defenders in Kyrgyzstan through culture and art.

## **Recommended questions for a list of issues**

### **Article 2 of the Covenant**

- Given that the Covenant has a direct application in the State party, please explain its application in national law enforcement practice.
- Why do public media promote the position of the Parliament and the President on their airwaves not providing space for alternative opinions?
- Why does Kyrgyzstan use homophobia to promote discriminatory initiatives and amendments?
- Please explain the reason for the delay in aligning the Ombudsman Institution (Akyikatchy) with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

### **Article 3 of the Covenant**

- What is Kyrgyzstan going to do to prevent pressure on women candidates during elections?
- How is Kyrgyzstan going to fulfill gender quotas in Parliament and local councils in the upcoming elections?
- What actions will be implemented for reduction of gender-based violence, murder and bride-kidnaping?
- How is Kyrgyzstan going to protect all women from domestic violence, regardless of characteristics?
- How is Kyrgyzstan going to reduce violence during COVID-19?

### **Article 4 of the Covenant**

- How is Kyrgyzstan going to ensure equal access to rights and services for all groups during state of emergency?
- How does Kyrgyzstan plan to reduce violence and discrimination during times of emergency against women, children and other groups vulnerable to violence and discrimination?
- How will the Government of Kyrgyzstan support informal sector workers, including migrants and sex workers, during a state of emergency, including during the COVID-19 pandemic?
- How is Kyrgyzstan going to provide support to government workers during emergencies, including doctors, teachers and police officers?
- What steps will be taken to ensure access to education and healthcare for all citizens during a pandemic?

### **Article 7 of the Covenant**

- Why are some government officials not allowing employees of the National Center for the Prevention of Torture to closed facilities (e.g. prison, remand prison, etc.)?
- Why, despite the criminal liability for obstructing the activities of the national center, are the employees reprimanded and no criminal cases initiated?

### **Article 8 of the Covenant**

- Will the government decree limiting the rights to freedom of work and discriminating against graduates of pedagogical specialties studying on a budgetary basis be canceled?

### **Article 9 of the Covenant**

- On what basis do police officers raid and detain sex workers?
- Why in the city of Osh was adopted a resolution "On the work carried out in the city against prostitution," which contradicts to national legislation?
- How is Kyrgyzstan going to reduce the level of extortion and illegal detention by police against LGBT + people and sex workers?

- Why about 70 activists were detained on March 8, 2020, although the arrests were not registered and the lawyers and employees of the Ombudsman's office and the national center against torture were not allowed into the police building?

#### **Article 10 of the Covenant**

- How does Kyrgyzstan plan to prevent torture and inhuman, degrading treatment of prisoners during the COVID-19?
- Are the Government and the Supreme Court of Kyrgyzstan considering the issue of release from pre-trial detention centers by changing the measure of restraint to house arrest, bail and recognizance not to leave prisoners suffering from various diseases and at risk?
- Is the state considering the need to expedite the planned amnesty in connection with COVID-19?

#### **Article 14 of the Covenant**

- Attempting to weaken the state legal capacity, how will Kyrgyzstan comply with the norms of international human rights treaties?
- Why do politicians receive more compensation for honor and dignity claims than other citizens?
- Why were the allegations of violation of consideration of Azimzhan Askarov's case in court not properly considered?

#### **Article 18 of the Covenant**

- What measures are being taken by the state to prevent intolerance and discrimination based on religion or belief?
- Can Kyrgyzstan adopt an order on the basis of which special plots in cemeteries will be allocated for the burial of religious minorities in order to prevent conflicts and abuse of the bodies of the dead?

#### **Article 19 of the Covenant**

- Why does Kyrgyzstan declare that there is no pressure on human rights defenders when the facts show otherwise?
- Why did the police officers who were inactive during the attacks on May 1, 2019 on the activists not receive punishment and the cases were not considered in court?
- Why are the allegations of the May 1, 2019 attack not being properly investigated, and the criminals still not punished?
- Why were the calls for violence and threats about a possible terrorist attack by the “Kyrk Choro” movement not investigated?
- Why did the Sverdlovsk court in December 2019 seize the bank accounts of the media without a court decision on the merits, which is the only based on a statement by the Matraimov family?
- Why was the bill “on manipulating information” initiated during the COVID-19 period, when citizens did not have the opportunity to fully participate in the discussion, and the bill was advanced in violation of the regulations?

#### **Article 21 of the Covenant**

- Please provide information on jurisprudence on prohibition and restriction of peaceful assemblies.
- Why did the National Security Committee attempt to minimize the number of participants in the march in 2019?
- Why do the authorities call for punishment of the participants of peaceful assemblies for “propaganda of homosexuality” and express the opinion that LGBT + people and feminist groups do not have the right to peaceful assembly?
- Why were activists detained on March 8, 2020, but not the attackers?

**Article 22 of the Covenant**

- Could Kyrgyzstan provide information on the compliance of the proposed amendments to the law on NPOs with the Covenant?
- Could Kyrgyzstan provide information on the compliance of the proposed amendments to the law on trade unions based on the Covenant?

**Article 24 of the Covenant**

- What measures will be taken to eliminate the difficulties faced by women without passports in registering their newborn children?
- How is Kyrgyzstan going to prevent corporal punishment in all institutions, including religious institution?

**Article 26 of the Covenant**

- Will a comprehensive anti-discrimination law be enacted in accordance with international standards, with broad inclusion of protected characteristics, in accordance with the provisions of the Covenant?
- How is Kyrgyzstan going to prevent hate crimes?
- How is Kyrgyzstan going to prevent hate speech?
- How is Kyrgyzstan going to reduce violence and hate speech against women and feminists?
- How is Kyrgyzstan going to reduce the police violence performed against sex workers, LGBT + people and other vulnerable groups?

**Article 27 of the Covenant**

- Please provide further clarification on the language policy and its compliance with article 27 of the Covenant.
- How is Kyrgyzstan going to increase the representation of ethnic minorities in government bodies?

## Analysis of the implementation of selected articles of the Covenant by the Kyrgyz Republic

### Article 2 of the Covenant

In accordance with Article 6 of the Constitution of the Kyrgyz Republic (KR), international treaties that have entered into force, to which the KR is a party, as well as generally recognized principles and norms of international law, are an integral part of the legal system of the KR. At the same time, in 2016, a referendum **passed constitutional amendments** that undermine the status of international human rights law, strengthen the powers of the executive<sup>1</sup>. In particular, the following provision was removed from Article 6: “the provisions of international treaties on human rights shall have direct effect and shall enjoy precedence over provisions of other international treaties.” Article 36, amended, stating that marriage can be created between a man and a woman, while the previous version stated of two people who have reached marriageable age<sup>2</sup>.

In addition to the fact that the amendment is discriminatory, the media actively promotes the position that the change of the constitution is aimed at preserving the “traditional” family and protecting against same-sex marriages. Information about the amendments was published under the headings: “The current Constitution allows registering same-sex marriages in the KR<sup>3</sup>”, “the new version of the Constitution of the KR wants to ban same-sex marriage<sup>4</sup>.” The public media KTRK in its material dated November 23, 2016 showed only those people who supported the amendments, the material did not mention the amendments about weakening the importance of international mechanisms. The person who was interviewed said that he opposed LGBT people. Editors did not give disclaimers about the spread of hatred<sup>5</sup>. Many of the proposed amendments, including the weakening of international law, remained invisible.

After the vote, on December 11, 2016, the KTRK published an article that “observers highly appreciated the achievements in the electoral system<sup>6</sup>.” It is mentioned that the observers from the OSCE could not come. In reality, The Venice Commission and the OSCE Office for Democratic Institutions and Human Rights reviewed the proposed changes and expressed critical views on the amendments:

*“Some of the proposed amendments raise concerns with regard to key democratic principles, in particular the rule of law, the separation of powers and the independence of the judiciary, and have the potential to encroach on certain human rights and fundamental freedoms..”<sup>7</sup>*

**The institution of the Ombudsman (Akyikatchy) of the Kyrgyz Republic** is not aligned with the Paris Principles, despite the Committee's concluding observations (CCPR/C/KGZ/CO/2, para 7). In order to implement the recommendations, the deputies of the Parliament initiated the draft Law "On Akyikatchy (Ombudsman) of the Kyrgyz Republic." On April 20, 2017, the bill was considered and adopted only in the first reading. The draft law is currently in parliament without progress, which is an obstacle to the effective and independent implementation of its mandate.

### Recommended questions for the list of questions:

- Given that the Covenant has a direct application in the State party, please explain its application in national law enforcement practice.

<sup>1</sup> Equal Right Trust, in partnership with PF “Peremena,” looking for harmony. Addressing discrimination and inequality in Kyrgyzstan, p. 1. [https://www.equalrightstrust.org/sites/default/files/ertdocs/Kyrgyzstan\\_EN\\_o.pdf](https://www.equalrightstrust.org/sites/default/files/ertdocs/Kyrgyzstan_EN_o.pdf)

<sup>2</sup> Article: Comparison: Proposed Changes and the Current Version of the Constitution, k.news.kg. <https://knews.kg/2016/12/08/dorabotannyj-proekt-popravok-v-konstitutsiyu-podderzhannyj-prezidentom-atambaevym/>

<sup>3</sup> Article: The current Constitution allows the registration of same-sex marriages in the Kyrgyz Republic, vb.kg. [https://www.vb.kg/doc/344808\\_devstvyushaia\\_konstityciia\\_pozvoliaet\\_registrirovat\\_v\\_kr\\_odnopolye\\_braki.html](https://www.vb.kg/doc/344808_devstvyushaia_konstityciia_pozvoliaet_registrirovat_v_kr_odnopolye_braki.html)

<sup>4</sup> Article: The new version of the Constitution of the Kyrgyz Republic wants to ban same-sex marriage, news - asia.ru. <http://www.news-asia.ru/view/ks/society/9761>

<sup>5</sup> Article: Youth supports amendments to the Constitution, ktrk.kg. <http://www.ktrk.kg/post/8508/ru>

<sup>6</sup> Article: Elections - 2016: International observers praise the organization of the referendum, ktrk.kg. <http://ktrk.kg/ru/post/9303/ru>

<sup>7</sup> Equal Right Trust, in partnership with PF “Peremena,” looking for harmony. Addressing discrimination and inequality in Kyrgyzstan, p. 64. [https://www.equalrightstrust.org/sites/default/files/ertdocs/Kyrgyzstan\\_EN\\_o.pdf](https://www.equalrightstrust.org/sites/default/files/ertdocs/Kyrgyzstan_EN_o.pdf)

- Why do public media promote the position of the Parliament and the President on their airwaves not providing space for alternative opinions?
- Why does Kyrgyzstan use homophobia to promote discriminatory initiatives and amendments?
- Please explain the reason for the delay in aligning the Ombudsman Institution (Akyikatchy) with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

### Article 3 of the Covenant

Regarding the **women participation in politics**, it should be positively noted that in Kyrgyzstan, according to the legislation, should be no more than 70% of candidates of the same sex, but despite the existing regulations, in 2018, there were only 16% of women in Parliament<sup>8</sup>. For the last few years only about 11% of women work in local government<sup>9</sup>. In 2019, the Parliament approved amendments to the Law "On elections of deputies of local governments," where women were given a 30% quota. In the village of Saruu, Issyk-Kul region, elections to the local government were held, taking into account the gender quota. Men wrote a collective letter to the President with a complaint about "violation of their male rights." According to the election results, more than 30% of women passed. Observer Banur Abdieva stated that male candidates demanded the withdrawal of women candidates so that their number does not exceed 30%<sup>10</sup>. This data demonstrates that gender quotas are not met and at the same time, women candidates may face pressure. After the Forum of Women MPs convened an urgent meeting to discuss election results, risks and obstacles<sup>11</sup>.

In its concluding observations (CCPR/C/KGZ/CO/2, para. 11), the Committee expressed concern about the **increased violence against women, as well as the practice of bride kidnaping**. Kyrgyzstan in its report (CCPR/C/KGZ/3, para. 47-51) provides information about the murder of Burulai in a police department, who had been kidnapped for marriage. Despite the fact that the murderer received a criminal sentence, the Coalition does not believe that the actions of the state were sufficient. For some reason, the police officers received only fines and/or disciplinary measures (CCPR/C/KGZ/3, para. 50-51); although due to the fact that they let the kidnapper with a weapon into the police department and left him and the victim in one room where he murdered Burulai. Moreover, earlier the same person kidnapped Burulai for the purpose of marriage, a statement was written, but the case did not come to an end.

The Coalition for Equality is concerned about both the incidents of violence against women themselves and the high percentage of cases that do not go to trial. According to the public fund "Women's Democratic Network," in Kyrgyzstan, due to domestic violence since 2013, 186 women have died, 1,122 have been injured<sup>12</sup>. The numbers prove that Kyrgyzstan needs more decisive measures to protect all women from domestic and gender-based violence. Especially during COVID-19, safe spaces are needed where women and children can escape from domestic violence. From January to March 2020, law enforcement agencies registered 65% more violence compared to the same period in 2019<sup>13</sup>. The

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<sup>8</sup> Article: The parliamentary committee approved a mandatory quota for women of 30% in local government, kloop.kg. <https://kloop.kg/blog/2019/06/11/komitet-parlamenta-odobril-obyazatelnyuyu-kvotu-dlya-zhenshhin-v-30-v-mestnyh-keneshah/>

<sup>9</sup> Article: The number of women in local governments is decreasing in Kyrgyzstan, cabar.asia.ru. <https://cabar.asia/ru/v-kyrgyzstane-umenshaetsya-kolichestvo-zhenshhin-v-mestnyh-keneshah/>

<sup>10</sup> Article: Elections in Saruu. Women were pressured to resign, 24.kg news agency [https://24.kg/obschestvo/130412\\_vyiboryi\\_vsaruu\\_najenshin\\_okazyvali\\_davlenie\\_trebuya\\_otkazatsya\\_otmest/](https://24.kg/obschestvo/130412_vyiboryi_vsaruu_najenshin_okazyvali_davlenie_trebuya_otkazatsya_otmest/)

<sup>11</sup> The Forum of Women of Parliamentary Deputies will hold an emergency meeting with representatives of the CEC, candidates for the Saruu local government and gender experts regarding the introduction of a 30% quota, kenesh.kg <http://kenesh.kg/ru/article/show/6288/forum-zhenshtin-deputatov-zhk-provedet-ekstrennyuyu-vstrechu-s-predstavitelnyimi-tsik-kandidatkami-v-saruuyskiy-ayilniy-kenesh-i-gendernimi-ekspertami-otnositelno-vvedeniya-30-kvoti>

<sup>12</sup> Article: "I didn't think she was going to die." Tragic stories of fatal domestic violence, kaktus.media. [https://kaktus.media/doc/403897\\_ia\\_ne\\_dymal\\_chno\\_ona\\_ymret\\_tragicheskie\\_istorii\\_semeynogo\\_nasilija\\_so\\_smertelnym\\_ishodom.html](https://kaktus.media/doc/403897_ia_ne_dymal_chno_ona_ymret_tragicheskie_istorii_semeynogo_nasilija_so_smertelnym_ishodom.html)

<sup>13</sup> Article: The number of cases of domestic violence has increased by 65% in Kyrgyzstan since the beginning of the year, currenttime.tv. <https://www.currenttime.tv/a/na-karantine-rastet-domashnee-nasilie/30570064.html>



Coalition for Equality supports the state social order aimed at maintaining shelters for women, but believes that it is necessary to increase funding and support at least for one shelter in every region of the country and in every major city. These measures will prove its importance during the crisis due to COVID-19. Shelters should be intersectional and include support for older women, women with children, women with disabilities, LBT+, HIV+ women, women from ethnic and religious minorities, and other women.

Kyrgyzstan's report (CCPR/C/KGZ/ 3, para. 55-64) mentions campaigns to raise awareness of domestic violence. Unfortunately, the Coalition for Equality notes that these materials are unbalanced and not intersectional. Violence against women with intersectional identities remains invisible, although state supports services need to know how to provide friendly support to different women victims of violence and not use stigma and discrimination during consultations. The Coalition for Equality, in turn, ready to work with the state to promote an intersectional approach in combating domestic violence.

#### **Recommended questions for the list of questions:**

- What is Kyrgyzstan going to do to prevent pressure on women candidates during elections?
- How is Kyrgyzstan going to fulfill gender quotas in Parliament and local councils in the upcoming elections?
- What actions will be implemented for reduction of gender-based violence, murder and bride-kidnaping?
- How is Kyrgyzstan going to protect all women from domestic violence, regardless of characteristics?
- How is Kyrgyzstan going to reduce violence during COVID-19?

#### **Article 4 of the Covenant**

The Committee, in its concluding observations (CCPR/C/KGZ/CO/2, para. 10), recommended that Kyrgyzstan adopt legislation on emergency state.

It should be noted that in 2018 the Law "On Civil Protection" was adopted, which regulates legal relations arising in emergency situations. The law mentions the need to reduce vulnerability and prevent violence against women and children in times of emergency<sup>14</sup>. However, the law does not mention other groups that may be exposed to violence during an emergency, for example, people with disabilities, the elderly, LGBT+ people, sex workers and others. The regulation does not mention of the inadmissibility of discrimination during an emergency, during the support provision to the population. The Coalition for Equality is concerned that the regulation does not contain information on special measures for communities that may be the hardest hit during a particular period. Informal sector workers and internal migrants may be invisible to provide material/humanitarian support. According to Tais Plus, due to numerous restrictions, sex workers could not earn and provide for themselves and their families and rely on minimal social support during an emergency. Public service officers of certain districts were authorized to collect information in their area and submit lists for distribution of food aid. Nevertheless, even in this case, sex workers, most of whom are internal migrants, were not included in these lists. In one case, sex workers turned to the district office, but in response they were refused, because sex workers live on the territory of a private hotel, and this is a "business object." In another case, sex workers were afraid to go to the public service officers of certain district with such a request, fearing persecution and that they would lose their place of residence.

During a pandemic, structural barriers in the healthcare and education systems were revealed. In a statement from MGoS during the National Voluntary Review of the Kyrgyz Republic, it was recommended to adopt anti-discrimination legislation, develop inclusive training plans and

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<sup>14</sup> Law of the Kyrgyz Republic "On Civil Protection," chapter 1, article 5, paragraph 16. <http://cbd.minjust.gov.kg/act/view/ru-ru/111787?cl=ru-ru>

transparently allocate the budget to fight COVID-19, prioritizing investments in healthcare, education, combating gender-based violence and providing targeted support for the most marginalized groups.

**Recommended questions for the list of questions:**

- How is Kyrgyzstan going to ensure equal access to rights and services for all groups during state of emergency?
- How does Kyrgyzstan plan to reduce violence and discrimination during times of emergency against women, children and other groups vulnerable to violence and discrimination?
- How will the Government of Kyrgyzstan support informal sector workers, including migrants and sex workers, during a state of emergency, including during the COVID-19 pandemic?
- How is Kyrgyzstan going to provide support to government workers during emergencies, including doctors, teachers and police officers?
- What steps will be taken to ensure access to education and healthcare for all citizens during a pandemic?

**Article 7 of the Covenant**

In its concluding comments (CCPR/C/KGZ/CO/2, para. 15), the Committee expressed concern about the widespread practice of torture. Kyrgyzstan, in the report mentions the establishment of the Kyrgyz National Center for the Prevention of Torture (CCPR/C/KGZ/3, para. 136). The Coalition for Equality supports the work of the National Center; however, it is concerned about cases of non-admission of employees of the National Center of the Kyrgyz Republic to closed facilities (e.g. prisons). In 2018, the employees of the center were not allowed into the military units with an examination, despite the norm on criminal responsibility for obstructing the activities of the National Center, the military prosecutor's office refused to initiate a case and reprimanded the commander<sup>15</sup>. In 2018, the employees of the National Center did not allow human rights defender Azimzhan Askarov, who had been sentenced to life imprisonment, to the remand prison<sup>16</sup>.

In its concluding observations (CCPR/C/KGZ/CO/2, para. 15), the Committee expressed concern about reports of torture against A. Askarov. "Bir Duino-Kyrgyzstan" continues to act on the acquittal of A. Askarov after his death. Administratively, a lawsuit was initiated against the Government to invalidate the actions of the Government of the KR in terms of the implementation of the UN Human Rights Committee's Views, in case No. 2231/2012 CCPR/C/116/D/ 2231/2012, dated March 31, 2016, which recognized the violation by the State of Askarov's rights. At present, the materials of the administrative claim are in the second instance court - the Bishkek City Court. On the fact of Askarov's sudden death, pre-trial proceedings were instituted in ward No. 1, an isolated area, for the detention of prisoners sentenced to the State Penitentiary Service of the government of the Kyrgyz Republic. Lawyers of the Bir Duino-Kyrgyzstan, in order to protect Askarov's rights, entered the case by submitting several petitions to the General Prosecutor's Office of the KR and the State Penitentiary Service under the government of the KR. In particular, to challenge the investigator who was investigating the case, since he is an investigator of the State Penitentiary Service under the government of the Kyrgyz Republic, and therefore cannot conduct an impartial investigation and additional forensic medical examination of the causes of Askarov's death. After the end of the investigation, it is planned to file a claim with the court for compensation for moral and material damage. National legislation (part 1 of article 25 of the Code of Criminal Procedure of the Kyrgyz Republic) provides for the possibility, in the event of the death of the victim, of participation in criminal proceedings of close relatives who can exercise these rights through lawyers.

**Recommended questions for the list of questions:**

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<sup>15</sup> Article: Employees of the Center for the Prevention of Torture were not allowed into military units, 24.kg. [https://24.kg/obschestvo/104613\\_sotrudnikov\\_tsentra\\_popreduprejdeniyu\\_pyitok\\_nepustili\\_vvoyskovnye\\_chasti/](https://24.kg/obschestvo/104613_sotrudnikov_tsentra_popreduprejdeniyu_pyitok_nepustili_vvoyskovnye_chasti/)

<sup>16</sup>Article: employees of the National Center for the Prevention of Torture were not allowed to see A. Askarov, 24.kg. [https://24.kg/obschestvo/91552\\_sotrudnikov\\_natstsentra\\_popreduprejdeniyu\\_pyitok\\_nepustili\\_kazimjanu\\_askarovu/](https://24.kg/obschestvo/91552_sotrudnikov_natstsentra_popreduprejdeniyu_pyitok_nepustili_kazimjanu_askarovu/)

- Why are some government officials not allowing employees of the National Center for the Prevention of Torture to closed facilities (e.g. prison, remand prison, etc.)?
- Why, despite the criminal liability for obstructing the activities of the National Center, are the employees reprimanded and no criminal cases initiated?

### Article 8 of the Covenant

Since 2001, the Government Decree of July 8, 1993 N 296 "On approval of the Regulation on the distribution and use of graduates of higher and secondary specialized educational institutions of the Kyrgyz Republic"<sup>17</sup>. According to the regulation, if graduates of pedagogical specialties are trained at the expense of the state budget, they can receive a diploma **only after two years of teaching at school**. The Coalition for Equality is aware of at least 3 cases of teachers working in schools in order to get a diploma and also the refusal of the university to issue a graduation diploma without two years of work. The government decree is discriminatory, because the norm applies only to students of pedagogical specialties and trained at the expense of the state budget.

### Recommended questions for the list of questions:

- Will the government decree limiting the rights to freedom of work and discriminating against graduates of pedagogical specialties studying on a budgetary basis be canceled?

### Article 9 of the Covenant

The Committee expressed concern about the **failure to ensure registration of all detainees immediately upon apprehension** (CCPR/C/KGZ/CO/2, para. 16). The Coalition for Equality is concerned about the high level of illegal arrests. In particular, key groups such as sex workers, LGBT+ people, ex-prisoners, people who use drugs, note that they often face illegal arrests and extortion. According to Tais Plus, involved in an individual sex work is neither a criminal offense nor an offense. However, the police act as if the legal ban on sex work was in effect. The police conduct raids, invade the premises where sex workers are located without reason, arbitrarily detain, enter personal data and fingerprints into the database. Arbitrary detentions are accompanied by extortion, blackmail, threats, insults and other degrading actions. **At the local level, there are regulations against sex workers that contradicts to national legislation.** In the city of Osh, since 2014, the Resolution of the City Parliament "On the work carried out in the city against prostitution,<sup>18</sup>" which among other things, instructs the police, together with the media, to conduct monthly "raids against prostitution" in the city. According to the monitoring of "Kyrgyz Indigo" LGBT+ people face extortion and threats to disclose their identity. In 2018 - 2019 in the city of Osh, numerous extortions by police against gays and threats to disclose information about SOGI were recorded. In Bishkek, trans\* women sex workers have faced extortion by police in the past few years.

On March 8, 2020, about 70 activists were detained by police during the Solidarity march<sup>19</sup>. Despite the interim provision on the unified register of crimes and misconduct (URCM), which mentions Kyrgyzstan in the report (CCPR/C/KGZ/3, para. 176), the detentions were not registered, the activists were not explained the rights. Moreover, one activist was injured and the other was beaten. One of the detainees became ill, but the police refused to call an ambulance. An independent attempt to call an ambulance was unsuccessful, as the activists were told that an ambulance could only come to the police building if they were called by the police themselves. Police officers did not allow employees of the Ombudsman's office and the National Center for the prevention of torture, as well as lawyers, into the

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<sup>17</sup> Decree of the Government of the Kyrgyz Republic "On making an addition to the decree of the Government of the Kyrgyz Republic of July 8, 1993 N 296," On approval of the Regulation on the distribution and use of graduates of higher and secondary specialized educational institutions of the Kyrgyz Republic. " <http://cbd.minjust.gov.kg/act/view/ru-ru/38217?cl=ru-ru>

<sup>18</sup> Resolution of the Osh city Parliament dated December 24, 2014 No. 241 "On the work carried out in the city against prostitution." <http://cbd.minjust.gov.kg/act/view/ru-ru/222303/10?mode=tekst>

<sup>19</sup>Article: Disrupted March for Women's Rights Illustrated, kloop.kg. <https://kloop.kg/blog/2020/03/09/sorvannyj-marsh-za-prava-zhenshhin-v-illyustratsiyah/>

building. Despite the Committee's comments (CCPR/C/KGZ/CO/2, para. 16). Three hours later, most of the activists were released, seven of them were filed with protocols of disobedience.

**List of recommended questions for the list of questions:**

- On what basis do police officers raid and detain sex workers?
- Why in the city of Osh was adopted a resolution "On the work carried out in the city against prostitution," which contradicts to national legislation?
- How is Kyrgyzstan going to reduce the level of extortion and illegal detention by police against LGBT + people and sex workers?
- Why about 70 activists were detained on March 8, 2020, although the arrests were not registered and the lawyers and employees of the Ombudsman's office and the National Center against torture were not allowed into the police building?

**Article 10 of the Covenant**

In Kyrgyzstan, a number of human rights organizations and lawyers demanded authorities to conduct a full health check of all prisoners. They noted that if COVID-19 spreads in prisons, the consequences could be very serious. UN entities urged governments to consider using deprivation of liberty, including pre-trial detention, as the most last resort, especially in overcrowded institutions, and to intensify the practice of non-custodial measures. This practice should include mechanisms to end the detention of persons at particular risk of COVID-19, in particular the elderly and people with pre-existing medical conditions, as well as other categories of persons who can be released from custody without compromising public safety.

On May 11, 2020, **Kanat Sagymbaev** - one of the accused in the trial of the Koi-Tash events, the bodyguard of the former President Almazbek Atambayev, stated that he has symptoms of coronavirus. The State Penitentiary Service denied such information and no further actions were performed. According to the State Penitentiary Service, 33 employees of the State Penitentiary Service have recovered from community-acquired pneumonia since May 1. A total of 75 have pneumonia. The State Penitentiary Service did not specify that they were infected with the coronavirus. The fact of infection with COVID-19 among convicts and persons under investigation in the department also were denied.

**List of recommended questions for the list of questions:**

- How does Kyrgyzstan plan to prevent torture and inhuman, degrading treatment of prisoners during the COVID-19 period?
- Are the Government and the Supreme Court of Kyrgyzstan considering the issue of release from pre-trial detention centers by changing the measure of restraint to house arrest, bail and recognizance not to leave prisoners suffering from various diseases and at risk?
- Is the state considering the need to expedite the planned amnesty in connection with COVID-19?

**Article 14 of the Covenant**

In its concluding observations, the Committee expressed concern about the **lack of full independence of the judiciary** (CCPR/C/KGZ/CO/2, para. 18). In the third periodic report, Kyrgyzstan mentions the reforms carried out to improve the independence of judges (CCPR/C/KGZ/3, para. 282-311).

However, the report does not mention a referendum to amend the 2016 Constitution. As noted above, these changes weaken the importance of international human rights law. The report of Kyrgyzstan also contains no information on the 2020 amendments to the criminal legislation, proposing to exclude the paragraph: "the norms of international treaties on human rights have direct effect and priority over the norms of other international treaties."

There are high-profile cases when government officials receive huge compensation in lawsuits against the media, while for other citizens, compensation is minimal. In 2017, former President Almazbek

Atambayev sued the media, the total amount of the requested compensation was about 30 million soms, in the same year, court awarded compensation to Soronbai Jeenbekov in the amount of 5 million soms from the 24.kg publication and 5 million soms from the ex-deputy Kabay Karabekov on the claim for the protection of honor and dignity<sup>20</sup>. For comparison, in 2019, the Leninsky Court awarded 10 thousand soms in moral compensation to a trans \* woman sex worker in a lawsuit for the protection of honor and dignity against the media<sup>21</sup>.

According to Bir Duino Kyrgyzstan, despite numerous studies by international organizations and the conclusions of authoritative experts in the field of jurisprudence, the authorities did not dare to acquit him about gross violations of both national and international law during the preliminary investigation and court proceedings of the Askarov case. This is due to very sensitive facts for Kyrgyzstan - the interethnic events of June 2010. Instead of explaining the main true causes of the interethnic conflict, A. Askarov as an ethnic Uzbek personifies the culprit in inciting the conflict. The acquittal of A. Askarov was also problematic because the persons who convicted him continue to work both in the judicial and law enforcement agencies. The final trial in the case of A. Askarov in the Supreme Court on May 13, 2020 was held in an atmosphere of intimidation and pressure on judges, lawyers, to his wife Khadicha Askarova and employees of Bir Duino-Kyrgyzstan. The arriving police officers did not take any measures against aggressive-minded persons who violated orders in the court.

### **Recommended questions for the list of questions:**

- Attempting to weaken the state legal capacity, how will Kyrgyzstan comply with the norms of international human rights treaties?
- Why do politicians receive more compensation for honor and dignity claims than other citizens?
- Why were the allegations of violation of consideration of Askarov's case in court not properly considered?

### **Article 18 of the Covenant**

**Religious xenophobia** in Kyrgyz society is heightened. There are reports of problems with the graves of proselytes and of violence motivated by religious hatred. The attacks and severe beatings and the three times reburied Baptist in Jalal-Abad region, when local residents and imams forbade the burial of their fellow villagers<sup>22</sup>, emphasized the level of religious intolerance, had a resonance and continued to be discussed in society. Law enforcement agencies often insist that none of such cases include religious hatred and further qualify the cases under the article "Hooliganism."

In 2019, vandals destroyed the Orthodox cemetery in the Issyk-Kul region<sup>23</sup>. In 2018, three aggressive people broke into the house of Christian person - Satar uulu Eldos<sup>24</sup> in Issyk-Kul region and severely beat him. According to the victim, the perpetrators forced him to say kelme (a phrase in Arabic indicating faith in Islam) and perform a Muslim ablution<sup>25</sup>. On January 2, 2018, a Baptist church was burned down in the village of Kadzhi-Sai, Issyk-Kul region. Believers who found bottles of gasoline nearby said that after the church was set on fire, local police officers came with questions about why ethnic Kyrgyz Christians did not go to the mosque<sup>26</sup>.

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<sup>20</sup> Article: 24.kg edition and ex-deputy Kabay Karabekov must pay Jeenbekov 5 million soms each, kloop.kg. <https://kloop.kg/blog/2017/10/05/izdanie-24-kg-i-eks-deputat-karaj-karabekov-dolzhen-vyplatit-zheebekovu-po-5-mln-somov/>

<sup>21</sup> Article: In Bishkek, a transgender girl won a court against journalists, vesti.kg. <https://vesti.kg/obshchestvo/item/65395-v-bishkeke-transgendernaya-devushka-vyigrala-sud-u-zhurnalystov.html>

<sup>22</sup> The case of the reburial of a Baptist: three defendants were given suspended sentences, kloop.kg, 2018. <https://kloop.kg/blog/2017/01/20/delo-o-perezahoroneni-baptistki-troim-obvinyayemy-dali-uslovyne-sroki/>

<sup>23</sup> Article: Vandals destroyed an Orthodox cemetery in Issyk-Kul, kaktus.media. [https://kaktus.media/doc/385090\\_na\\_issyk\\_kyle\\_vandaly\\_razgromili\\_pravoslavnoe\\_kladbishe\\_foto.html](https://kaktus.media/doc/385090_na_issyk_kyle_vandaly_razgromili_pravoslavnoe_kladbishe_foto.html)

<sup>24</sup> Beating in Tamchy: Conflict Over Religion or Hooliganism? Azattyk, 2018. [https://rus.azattyk.org/a/kyrgyzstan\\_tamchy\\_eldos/29560681.html](https://rus.azattyk.org/a/kyrgyzstan_tamchy_eldos/29560681.html)

<sup>25</sup> The fate of Kyrgyz proselytes: beaten, reburied three times, 2018, Cabar.asia. <https://cabar.asia/ru/sudba-kyrgyzov-prozelitov-izbitye-perezahoronennye-trizhdy/>

<sup>26</sup> Article: KYRGYZSTAN: Burial blocked with violence "resolved peacefully"? 2018, Forum 18.org. [http://www.forum18.org/archive.php?article\\_id=2349](http://www.forum18.org/archive.php?article_id=2349)

Following such an incident, police summoned Baptists to meet with the attackers at a police station in Karakol, the center of Issyk-Kul region. Law enforcement representatives expressed sympathy for the attackers and then ordered the Baptists and their attackers to "write statements that they forgive each other and will have peace with each other in the future"<sup>27</sup>. Alexander Shumilin, chairman of the Association of Evangelical Churches of the Kyrgyz Republic, said that the people who burned down the Kaji-Sai church were "encouraged by the fact that none of the previous attacks on Christians have been investigated and the perpetrators have not been punished."

#### **Recommended questions for the list of questions:**

- What measures are being taken by the state to prevent intolerance and discrimination based on religion or belief?
- Can Kyrgyzstan adopt an order on the basis of which special plots in cemeteries will be allocated for the burial of religious minorities in order to prevent conflicts and abuse of the bodies of the dead?

#### **Article 19 of the Covenant**

In its concluding comments, the Committee expressed concern about **persecution of journalists and human rights defenders** (CCPR/C/KGZ/CO/2, para. 24). In its report, Kyrgyzstan lists legislative provisions that are designed to provide journalists and others with the right to freedom of expression. In para 352 of the report, Kyrgyzstan states that during the reporting period there were no registered cases of intimidation, beatings and violence of human rights defenders and lawyers. However, the Coalition for Equality recorded cases of intimidation of human rights defenders and activists and a weak reaction to these cases from the authorities.

On March 13, 2019, the representative of the "Kyrk Choro", Amanbol Babakulov, said that if a picnic for equal labor rights takes place, he is ready to go out there and explode himself together with the participants of the 8\365 movement<sup>28</sup>. A radical group of men attacked the activists while about 15-20 police officers were present during the attack, but they did not try to interfere with the attackers. The leader of "Kyrk Choro" told reporters that his group "does not care about legal opinions and laws" and he allows the use of weapons in the future<sup>29</sup>. For unknown reasons, these speeches did not prompt the authorities to investigate the case. Allegations of the May 1 attack have yet to be advanced, despite obvious video and pictures of the attackers' faces. Despite the criminal liability for the inaction of the police, the statements of the activists of the 8\365 group were transferred to the ethical commission, which reprimanded one employee.

The Coalition for Equality is alarmed by intimidation and attacks by radical groups that have collaborated with the authorities. So in 2012, the media got a memorandum of cooperation between the State Committee for National Security and "Kyrk Choro."<sup>30</sup> Moreover, a representative of "Kyrk Choro" said that the movement plans to participate in the parliamentary elections in 2020.

At the same time, pressure on journalists is increasing in Kyrgyzstan. In 2017, former President Atambayev sued journalists to defend his own honor and dignity. In 2019, after an investigation by OCCRP, Radio Azattyk and Kloop about the possible participation of Raimbek Matraimov in corruption schemes and the export of \$700 million from the country. Matraimov and his family members filed a lawsuit against these media outlets and journalist Ali Toktakunov. According to the plaintiffs, the

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<sup>27</sup>Article: KYRGYZSTAN: Church arson follows long-standing government failures, 2018, Forum 18.org.

[http://www.forum18.org/archive.php?article\\_id=2346](http://www.forum18.org/archive.php?article_id=2346)

<sup>28</sup> Article: "We will turn into Gaystan". Kyrgyz deputies and nationalists are discussing the exit of gays from a mass rally, Current time. <https://www.currenttime.tv/a/bishkek-anti-lgbt-protests/29819834.html>

<sup>29</sup> Article: "Kyrk Choroloru" attacked feminists and members of the LGBT community. Police launched an investigation, kloop.kg. <https://kloop.kg/blog/2019/05/01/kyrk-choro-napali-na-feministok-i-chlenov-lgbt-soobshhestva-militsiya-bezdejstvovala/>

<sup>30</sup> Article: Kyrgyzstan: How Kyrk Choro Cooperates with Government Agencies, Fergana.

Sverdlovsk District Court of Bishkek seized the defendants' bank accounts<sup>31</sup>. After indignation from human rights defenders and citizens, the Matraimovs withdrew the request for arrest to media accounts.

During the state of emergency, Parliament passed the Law on Manipulation of Information, which will lead to censorship of the Internet by the state, as well as to the violation of the constitutional right of citizens to freedom of speech. In particular, the document states that "the owner of the site and/or the page of the site on the Internet must place his surname and initials, e-mail address to send him legally significant messages." This is being done in order to bring to justice those who have expressed an undesirable opinion to the authorities or shared a fact that a particular deputy would like to hide. It was decided to appoint the Ministry of Culture, Information and Tourism as the authorized body that will track the fakes. Officials of the department will identify false and inaccurate information and make a decision regarding the owner of the site or page on pre-trial restriction of access to information.

From the beginning of the introduction of the emergency state, the media published messages from doctors and citizens about the real state of affairs and the lack of working conditions with increased risks of work. The medical personnel were not provided with vital protective equipment as special suits, respirators, even ordinary disposable masks and gloves. In response, doctors and citizens were persecuted by the State Committee for National Security, the Ministry of Internal Affairs and the Ministry of Health, in some cases they were forced to give public denials and apologize to the people for allegedly disseminating false information.

### **Recommended questions for the list of questions:**

- Why does Kyrgyzstan declare that there is no pressure on human rights defenders when the facts show otherwise?
- Why did the police officers who were inactive during the attacks on May 1, 2019 on the activists not receive punishment and the cases were not considered in court?
- Why are the allegations of the May 1, 2019 attack not being properly investigated, and the criminals still not punished?
- Why were the calls for violence and threats about a possible terrorist attack by the “Kyrk Choro” movement not investigated?
- Why did the Sverdlovsk court in December 2019 seize the bank accounts of the media without a court decision on the merits, which is the only based on a statement by the Matraimov family?
- Why was the bill “on manipulating information” initiated during the COVID-19 period, when citizens did not have the opportunity to fully participate in the discussion, and the bill was advanced in violation of the regulations?

### **Article 21 of the Covenant**

According to article 34 of the Constitution, everyone has the **right to freedom of peaceful assembly**. In the third periodic report, Kyrgyzstan mentions that the organizers and participants of peaceful assemblies are not responsible for the lack of notification of a peaceful assembly, failure to comply with the form of notification, its content and deadlines for submission (CCPR/C/KGZ/3, para. 360). But at the same time, the Coalition for Equality is aware of cases when employees of the internal affairs body tried to terminate meetings, appealing the lack of notification of the meeting 2 days before the rally<sup>32</sup>. The practice of unreasonable restriction and prohibition of assemblies is a matter of concern.

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<sup>31</sup> Article: The Matraimovs filed a lawsuit against Azattyk and other media outlets for 60 million soms, azattyk.org. <https://rus.azattyk.org/a/30321784.html>

<sup>32</sup> Picnic 1 May 2019, March 8 March 2020

The court must verify the legality and validity of decisions of the local government and the internal affairs body to restrict or prohibit an assembly.

In 2019, the Mayor's Office of Bishkek ruled to restrict the holding of peaceful assemblies on March 8<sup>33</sup>, which was led by the movement 8\365. In addition, according to the information provided by the Bishkek feminist initiatives, before the decision was made, an officer of the Main Department of Internal Affairs called them and demanded to exclude Labrys, an LGBT organization, from the organizers of the march<sup>34</sup>. According to an activist from Labrys, on March 6, the 10th department, which works to prevent extremism, came to their office and asked to cancel the march<sup>35</sup>. After pressure from human rights organizations and citizens, the mayor's office reversed its decision and the march was held despite threats from radical groups to disrupt the march. "Labrys" during the march documented cases when police officers demanded to remove some banners, in particular those related to the LGBT community. On March 13, Parliament discussed the march and the presence of LGBT+ symbols on it. Some deputies asked to bring to justice the participants of the march for "propaganda of homosexuality," although such an article does not exist in Kyrgyzstan. Duishekeev, head of the State Committee for National Security Department in Bishkek, said that the department had done a lot to reduce the number of participants in the march<sup>36</sup>. These facts prove the pressure of the authorities on freedom of peaceful assembly, as well as attempts to restrict feminist associations and LGBT+ people to participate in peaceful assemblies.

A feminist march against gender-based violence was disrupted in Bishkek in 2020 . The march was announced on February 25th. It was threatened with cancellation when local authorities filed a lawsuit on March 3 to ban public events due to the coronavirus epidemic (although at that time there were no cases in the country and the ban did not apply to public holidays). But on March 6, authorities withdrew the suit. The march lasted only a few minutes - participants were attacked by about 50 men with sticks. The attackers had masks on their faces and harmed participants who received bruises and other injuries. The police did not detain the attackers but instead detained the organizers and participants of the march. The Sverdlovsk District Court of Bishkek declared the detention of the women march participants legal.

#### **Recommended questions for the list of questions:**

- Please provide information on jurisprudence on prohibition and restriction of peaceful assemblies.
- Why did the National Security Committee attempt to minimize the number of participants in the march in 2019?
- Why do the authorities call for punishment of the participants of peaceful assemblies for "propaganda of homosexuality" and express the opinion that LGBT + people and feminist groups do not have the right to peaceful assembly?
- Why were activists detained on March 8, 2020, but not the attackers?

#### **Article 22 of the Covenant**

In its concluding observations, the Committee recommends that the State should ensure **freedom of association** and refrain from imposing disproportionate or discriminatory restrictions on freedom of association (CCPR/C/KGZ/CO/2, para. 25). The government's attempts to take discriminatory measures aimed at controlling non-profit organizations are concerning.

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<sup>33</sup> Photo: <https://www.facebook.com/bishkekfeminists/photos/pcb.2111928495550334/2111952278881289>

<sup>34</sup> Article: Bishkek authorities banned women's March 8 March. After 2 hours, they changed their minds and lifted the ban, kloop.kg. <https://kloop.kg/blog/2019/03/06/srochno-vlasti-bishkeka-zapretili-zhenskij-marsh-v-chest-8-marta/>

<sup>35</sup> Article: Bishkek authorities allowed, banned and then allowed the March 8 march again, informburo. <https://informburo.kz/novosti/vlasti-bishkeka-razreshili-zapretili-a-zatem-snova-razreshili-marsh-v-chest-8-marta.html>

<sup>36</sup> Article: MPs discuss women's march and LGBT people amid a rally against the mayor of Bishkek, kloop.kg <https://kloop.kg/blog/2019/03/13/live-kyrk-choro-trebuyut-otstavki-mera-bishkeka-iz-za-uchastiya-lgbt-lyudej-v-zhenskom-marsh/>



On December 31, 2019, amendments to the Laws of the Kyrgyz Republic "On non-profit organizations," "On state registration of legal entities, branches of representative offices" were submitted for public discussion. The proposed initiative is, in fact, another attempt by the state to establish tighter control over the civil sector. The draft law contains discriminatory norms that contradict the basic democratic principles of regulating the activities of NPOs. The draft envisages discriminatory norms - obliging non-profit organizations to provide additional reports to state bodies with a large amount of information about their official activities, including information on sources of income, expenses, the number and composition of employees, and on their remuneration. The current legislation of Kyrgyzstan **already considers** the provision of information on NPOs activities to the tax service, the Social Fund and statistics, including information on the financial situation, the availability of property, expenses, the number and composition of employees, their remuneration, etc. State bodies have ample opportunities for monitoring the compliance of NPOs with the requirements of laws and other regulatory legal acts. At the same time, the institutions of state power also have the right to take appropriate measures in case of violations by representatives of NPOs<sup>37</sup>.

In May 2019, the draft Law "On Trade unions" was launched. The main thing that distinguishes the proposed law from the current one, and the following really requires careful consideration: additional educational institutions and pensioners will be deprived of the right to establish and join trade unions. The new draft law allows this only to employed people over 14 years old. But such a norm contradicts Article 35 of the Constitution: "Everyone has the right to freedom of association," and Article 16 of the Basic Law: "No one can be discriminated against on the basis of sex, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, property or other status, as well as other circumstances."<sup>38</sup>

#### **Recommended questions for the list of questions:**

- Could Kyrgyzstan provide information on the compliance of the proposed amendments to the law on NPOs with the Covenant?
- Could Kyrgyzstan provide information on the compliance of the proposed amendments to the law on trade unions based on the Covenant?

#### **Article 24 of the Covenant**

In accordance with paragraph 1 of Article 14 of the Law "On Acts of Civil Status," one of the grounds for **state registration of birth** is the documents of the parents (one of the parents) of the child, verifying their identity. There is still a problem when registering a birth if the mother's passport is missing. Lack of documents is a factor limiting citizens' access to free public health and education services. There are still cases when children do not attend comprehensive school due to the lack of a birth certificate<sup>39</sup>.

In its concluding observations, the Committee expresses the concern about the **practice of corporal punishment against children** (CCPR/C/KGZ/CO/2, para. 21). In 2018, the media reported that in the madrasah<sup>40</sup> in Batken region were cases of beating children<sup>41</sup>. Spiritual Administration of Muslims in Kyrgyzstan stated that the director of madrasah reprimanded whereas the guilty people were fired. However, for some reason, the case was not considered in an administrative or criminal procedure. The Coalition for Equality believes that religious institutions have the right to exist in accordance with the Constitution of the KR and Article 18 of the Covenant, but Kyrgyzstan needs to prevent corporal punishment of children in all institutions, including religious ones. The Coalition for Equality welcomes

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<sup>37</sup> Article: NPOs are asked to withdraw the bill obliging them to additionally report on expenses, kaktus.media.  
[https://kaktus.media/doc/404062\\_nko\\_prosiat\\_otozvat\\_zakonoproekt\\_obyazyvaushiy\\_ih\\_dopolnitelno\\_otchityvatsia\\_o\\_ras\\_hodah.html](https://kaktus.media/doc/404062_nko_prosiat_otozvat_zakonoproekt_obyazyvaushiy_ih_dopolnitelno_otchityvatsia_o_ras_hodah.html)

<sup>38</sup> Article: Draft Law on Trade Unions: within the specified framework, precedentinfo.kg.  
<http://precedentinfo.kg/2019/06/27/zakonoproekt-o-profsoyuzah-v-ukazannyh-ramkah/#1561642082564-da59e2c8-61d7>

<sup>39</sup> Article: Kyrgyzstan: the country where children fell out of the nest, rfi.fr.ru.

<sup>40</sup> Muslim religious and educational institution.

<sup>41</sup> Article: Children were beaten in madrasah. They didn't have phones to call their parents, kaktus.media.  
[https://kaktus.media/doc/371113\\_v\\_medrese\\_bili\\_detey\\_v\\_nih\\_ne\\_bylo\\_telefonov\\_chtoby\\_pozvonit\\_roditeliyam.html](https://kaktus.media/doc/371113_v_medrese_bili_detey_v_nih_ne_bylo_telefonov_chtoby_pozvonit_roditeliyam.html)

the activity on monitoring madrasahs, within the framework of the Government Decree dated July 9, 2015 No. 315, and recommends that corporal punishment be included in monitoring.

**Recommended questions for the list of questions:**

- What measures will be taken to eliminate the difficulties faced by women without passports in registering their newborn children?
- How is Kyrgyzstan going to prevent corporal punishment in all institutions, including religious institution?

**Article 26 of the Covenant**

**Hate speech** widely spread in media and public discourses in Kyrgyzstan. According to surveys of the population of Kyrgyzstan conducted by Coalition for Equality in 2019-2020, more than 70% of respondents heard in public places, in public statements in the media, in the speeches of influential people and on the Internet, statements expressing disapproval, hatred against various minorities and groups, or were themselves victims of xenophobic insults, which, according to respondents, can lead to violence<sup>42</sup>.

The authorities and public speakers often use references to so-called "traditional values" and contrast them with constitutionally enshrined human rights. In December 2019, a bus drove through the streets of Bishkek, the capital of Kyrgyzstan, with the Nazi slogan "Ukuktan murda ulut turat" ("The nation is above rights"), which demonstrated the action of ultra-right nationalist groups against the First Art Exhibition - the Feminnale of Contemporary Art, which started in November<sup>43</sup>. The action was joined by Azamat Zhamankulov, Minister of Culture, Information and Tourism of the Kyrgyz Republic, who said that "negative events in society" should be opposed by their culture, traditions and values<sup>44</sup>.

An analysis of hate speech during the discussion of the march of Solidarity in Bishkek on March 8, 2019, revealed incorrect presentation of information, homophobic cliches, as well as provoking intolerance towards non-governmental organizations working on equality issues. Most of the news contained direct discriminatory quotes from critics of the march without any explanation. Often, the authors of hate speech were deputies, religious leaders, or influential people in society. The dissemination of hateful statements led to sensational headlines in the media, such as "A gay parade was held under the guise of a march in Bishkek," "Prohibit gay pride parades," "Sabbath of fagots and lesbians in the center of Bishkek." Thus, the media formed an inadequate perception of the problems of gender-based violence among the audience and emphasized the rejection of the diversity of society.

According to Tais Plus, the main source of **discrimination and violence against sex workers is police officers**. Comparing the data of national studies in 2015 and 2018,<sup>45</sup> an increase in the level of the most frequent violations of rights and violence against sex workers. Were recorded threats, blackmail, pressure (3.2 times); illegal detention (2.4 times); the practice of bullying, coercion and humiliation (by 2.2 times); extortion of money - (1.6 times). Trans\* sex workers are the most persecuted group and receive even more severe violence from both the police and clients. Video filming is often practiced, which is then used for threats and blackmail, and distributed on the Internet<sup>46</sup>.

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<sup>42</sup> Discrimination and Intolerance in Public Discourse in the Kyrgyz Republic, Coalition for Equality, 2020. <http://www.ca-mediators.net/ru/issledovaniya/media-monitoring/5369-diskriminaciya-i-neterpimost-v-publichnom-diskusre-kyrgyzstana.html>

<sup>43</sup> The slogan contains chauvinistic cinematism. Chauvinism, extreme chauvinistic nationalism preaching national and racial exclusivity, inciting national enmity and hatred. Ozhegov's Explanatory Dictionary. S.I. Ozhegov, 1992

<sup>44</sup> Article: Emerging Fascism: Kyrgyzstan has placed the nation above human rights, eadaily.com <https://eadaily.com/ru/news/2019/12/09/zarozhdayushchiysya-fashizm-v-kirgizii-naciyu-postavili-vyshe-prav-cheloveka>

<sup>45</sup> Impact of community empowerment on access to SRHR, including HIV, in accordance with SWIT for all sex workers - women, men, and trans\* sex workers. Research report 2018. - AUCA and Tais Plus. - from. 59. [https://www.dropbox.com/s/gldihlad1mdk6ot/Final\\_report\\_Kyrgyzstan\\_Rus\\_updated\\_last.docx?dl=0](https://www.dropbox.com/s/gldihlad1mdk6ot/Final_report_Kyrgyzstan_Rus_updated_last.docx?dl=0)

<sup>46</sup> Results of documenting human rights violations and violence against sex workers for 2017, 2018 and 2019. <https://www.dropbox.com/sh/1pgxfpunfood26s/AADVUPc6VXXyZ6RRgkUZrEiJa?dl=0>

At the same time, there is no concept of hate crimes in the legislation of Kyrgyzstan. In the Criminal Code of the Kyrgyz Republic mentions the incitement of national (interethnic), racial, religious or interregional hostility,<sup>47</sup> but this is not enough and it is necessary to reform the legislation, introducing the concept of hate crimes, hate speech, with the inclusion of a wide list of protected characteristics.

**CEDAW committee** in 2015 recommended to establish monitoring mechanism to control violence by police against sex workers (final remark 22c<sup>48</sup>). KR in the 5th periodic report<sup>49</sup> states that such a mechanism has been created, namely the General Prosecutor's Office has developed Methodological Recommendations for overseeing the implementation of the Law "On HIV/AIDS". But this document is closed and focuses on the issues of compulsory HIV testing. The scale of police brutality and violence has increased since 2015.

In its concluding observations, the Committee is concerned about reports of **violence against LGBT+ people** (CCPR/C/KGZ/CO/2, para. 9). Violence increased after the adoption of the amendments to the Constitution in 2016 and homophobic, transphobic statements by the authorities after the 2019 march. In 2017, Kyrgyz Indigo documented, that police officers extorted money from a lesbian, referring to the fact that the LGBT community is prohibited by the Constitution.

In the third periodic report, Kyrgyzstan admits the existence of stigma against LGBT (CCPR/C/KGZ/3, para. 433). The Coalition for Equality, in turn, supports the state's openness to the issue of discrimination and violence against LGBT people and believes that recognition of the problem is the primary factor in removing barriers. The Kyrgyz State Medical Academy of Retraining, together with Kyrgyz Indigo in 2018-2019, organized sensitization training for doctors undergoing retraining. UNFPA supports training for family medicine centers on working with key groups. However, there are cases when LGBT+ people face barriers to receiving services. For example, "Labrys" registered cases when a trans\* man was refused an ultrasound scan because of his identity, and another trans\* man faced intolerance at a gynecologist's appointment. At first, the doctor refused to let him into the office, and then condemned the patient, saying that he would "ruin his life."

The 2017 Guidelines for the provision of medical and social assistance to transgender, transsexual and gender non-conforming people for medical professionals at all levels of healthcare and other departments of the country are aimed at **improving the lives of trans\* people and increasing access to qualified services**. But so far, the state is not actively involved in the implementation of the Guidelines in medical institutions. In 2019, "Labrys" documented a case when the registry office demanded a certificate of surgical intervention from a trans\* person to change the gender marker, despite the absence of such norm in the legislation of the KR. In addition, trans\* people face a problem due to the impossibility of changing their personal identification number. The first digit of the PIN denotes the sex of a person, which is why trans\* people face barriers in accessing an improved procedure for changing their gender marker. In 2019, "Kyrgyz Indigo" registered a case when a trans\* woman could not open a bank account, since the gender was indicated as female, and the first digit of the personal identification number indicated 2, which means male. The system indicated a data error.

In the third periodic report, Kyrgyzstan mentions the development of a **draft law "On ensuring equality,"** which will aim to protect all citizens from discrimination (CCPR/C/KGZ/3, para. 441). The Coalition for Equality appreciates this work and stands ready to provide technical support to create an anti-discrimination bill that will meet international standards and include a wide range of protected characteristics. Promotion of the bill will help ensure access to the realization of rights for all citizens, especially vulnerable groups to discrimination, and will increase the confidence of the international community in Kyrgyzstan.

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<sup>47</sup> The Criminal Code of the Kyrgyz Republic. <http://cbd.minjust.gov.kg/act/view/ru-ru/568>

<sup>48</sup> CEDAW/C/KGZ/CO/4,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2fCO%2f4&Lang=en)

<sup>49</sup> CEDAW/C/KGZ/5,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKGZ%2f5&Lang=en)

**Recommended questions for the list of questions:**

- Will a comprehensive anti-discrimination law be enacted in accordance with international standards, with broad inclusion of protected characteristics, in accordance with the provisions of the Covenant?
- How is Kyrgyzstan going to prevent hate crimes?
- How is Kyrgyzstan going to prevent hate speech?
- How is Kyrgyzstan going to reduce violence and hate speech against women and feminists?
- How is Kyrgyzstan going to reduce the police violence performed against sex workers, LGBT + people and other vulnerable groups?

**Article 27 of the Covenant**

According to the **Law on the State Language** of April 2, 2004, in Kyrgyzstan, official documents of state authorities and local self-government are adopted in the state language and, in cases stipulated by law, are translated into the official language and published in two languages. State authorities, local self-government bodies issue citizens with official documents in the state language, and, if necessary, in the official language. This legislative norm does not take into account representatives of other ethnic and linguistic minorities. According to the National Statistical Committee, Kyrgyzstan is home to: Russians - 348,935, Uzbeks - 940,628, Tajiks - 56,219, Uighurs - 58,168, Dungans - 72,240, etc.

In 2019, the Spiritual Directorate of Muslims of Kyrgyzstan (SDMK) issued an order to conduct Friday sermons in the country's mosques only in Kyrgyz, and, if necessary, in Russian, citing "the development of the Kyrgyz language and the strengthening of unity in the country." However, this happened in spite of article 1, paragraph 5 of the law of the KR "On the state language," which states that "infringement of the rights and freedoms of citizens on the basis of ignorance of the state or official language is not allowed." Parishioners of Uzbek, Uyghur or Dungan mosques may have poor knowledge of Kyrgyz and Russian, and therefore may need to preach in their native languages.

At the same time, in Kyrgyzstan, there is a low participation of ethnic minorities in state, municipal bodies, law enforcement agencies and their underrepresentation in parliament, despite the fact that the Constitutional Law on Elections (para. 3 of Article 60)<sup>50</sup>, requires that the party list contains "at least 15% of citizens of different ethnic groups."

**Recommended questions for the list of questions:**

- Please provide further clarification on the language policy and its compliance with article 27 of the Covenant.
- How is Kyrgyzstan going to increase the representation of ethnic minorities in government bodies?

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<sup>50</sup> Constitutional Law of the Kyrgyz Republic, dated July 2, 2011 No. 68  
<http://cbd.minjust.gov.kg/act/view/ru-ru/203244?cl=ru-ru>

## **Conclusion**

The Constitution of the Kyrgyz Republic strives to build a free and independent democratic state, the highest values of which is a person, life, health, rights and freedoms <sup>51</sup>.

To build a society free from prejudice, violence and discrimination, decisive actions are needed to protect and support all citizens, including vulnerable groups. The adoption of comprehensive anti-discrimination legislation in line with international standards, with a clear mechanism for protection and a wide list of protected characteristics is a key step to improve the human rights situation in Kyrgyzstan.

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<sup>51</sup> Constitution of the Kyrgyz Republic, preamble <http://cbd.minjust.gov.kg/act/view/ru-ru/202013>